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FILED

JUL 18 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
FORREST WILLIAM McELFRESH,)
)
Defendant.)

No. CR 08-00454 JW (HRL)

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
JULY 15, 2008 THROUGH AUGUST 25,
2008 FROM CALCULATIONS UNDER
THE SPEEDY TRIAL ACT (18 U.S.C. §
3161)**

On July 15, 2008, defendant Forrest William McElfresh made his initial appearance before Magistrate Judge Howard R. Lloyd. Assistant Federal Public Defender Manuel Araju, appeared on behalf of the defendant. Assistant United States Attorney Hanley Chew appeared for the government. Magistrate Judge Lloyd ordered the parties to appear before Judge James Ware on August 25, 2008 at 1:30 p.m. for trial setting in this matter.

The parties request that the Court enter this order documenting the exclusion of time from

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calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from July 15, 2008 through August 25, 2008. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from July 15, 2008 through August 25, 2008, based upon the need for the defense counsel to investigate further the facts of the present case. The government has already provided discovery and defense counsel needs additional time to review the discovery, evaluate further possible defenses and motions available to the defendant.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from July 15, 2008 through August 25, 2008.


Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from July 15, 2008 through August 25, 2008, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 7/18/08


MANUEL ARAUJO

DATED: 7/18/08


HANLEY CHEW
Assistant United States Attorney

[PROPOSED] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from July 15, 2008 through August 25, 2008, based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are served by excluding from calculations the period from July 15, 2008 through August 25, 2008.

Accordingly, the Court further orders that the time from July 15, 2008 through August 25, 2008 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO ORDERED.

DATED: 7/18/08



THE HONORABLE HOWARD R. LLOYD
United States Magistrate Judge